

# **EXHIBIT D**

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

- - - - - x

EDWARD SHIN,  
Plaintiff,

- against -

YS2 ENTERPRISES INC., MICHAEL S. WANG,  
VICTORIA WANG as TRUSTEE OF THE RICHARDSON  
IRREVOCABLE TRUST, TERRANCE WU, DEH-JUNG  
DEBORAH WANG, and YOUNG K. LEE

Defendant.

- - - - - x

1270 Broadway  
New York, New York 10001

May 21, 2019  
11:11 a.m.

EXAMINATION BEFORE TRIAL of JOHN KIM, a  
Non-Party Witness herein, taken by MS.  
BERKOWITZ in the above-entitled action, held  
at the above time and place, pursuant to  
Subpoena, taken before CHRISTA M. MILOSCIA, a  
Shorthand Reporter and Notary Public within  
and for the State of New York.

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BY: STEVEN J. WEISLER, ESQ.

ALSO PRESENT:

EESHA MALYALA - SITTING IN WITH CHARTWELL  
LAW

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S T I P U L A T I O N S

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IT IS STIPULATED AND AGREED by and between the attorneys for the respective parties herein, and in compliance with Rule 221 of the Uniform Rules for the Trial Courts:

THAT the parties recognize the provision of Rule 3115 subdivisions (b), (c) and/or (d).

All objections made at a deposition shall be noted by the officer before whom the deposition is taken, and the answer shall be given and the deposition shall proceed subject to the objections and to the right of a person to apply for appropriate relief pursuant to Article 31 of the CPLR;

THAT every objection raised during a deposition shall be stated succinctly and framed so as not to suggest an answer to the deponent and, at the request of the questioning attorney, shall include a clear statement as to any defect in form or other basis of error or irregularity. Except to the extent permitted by CPLR Rule 3115 or by this rule, during the course of the examination persons in attendance shall not make

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2 statements or comments that interfere with the  
3 questioning.

4

5 THAT a deponent shall answer all questions  
6 at a deposition, except (i) to preserve a  
7 privilege or right of confidentiality, (ii) to  
8 enforce a limitation set forth in an order of  
9 a court, or (iii) when the question is plainly  
10 improper and would, if answered, cause  
11 significant prejudice to any person. An  
12 attorney shall not direct a deponent not to  
13 answer except as provided in CPLR Rule 3115 or  
14 this subdivision. Any refusal to answer or  
15 direction not to answer shall be accompanied  
16 by a succinct and clear statement on the basis  
17 therefore. If the deponent does not answer a  
18 question, the examining party shall have the  
19 right to complete the remainder of the  
20 deposition.

21

22 THAT an attorney shall not interrupt the  
23 deposition for the purpose of communicating  
24 with the deponent unless all parties consent  
25 or the communication is made for the purpose  
of determining whether the question should not  
be answered on the grounds set forth in

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2 Section 221.2 of these rules, and, in such  
3 event, the reason for the communication shall  
4 be stated for the record succinctly and  
5 clearly.

6 THAT the failure to object to any question  
7 or to move to strike any testimony at this  
8 examination shall not be a bar or waiver to  
9 make such objection or motion at the time of  
10 the trial of this action, and is hereby  
11 reserved; and

12 THAT this examination may be signed and  
13 sworn to by the witness examined herein before  
14 any Notary Public, but the failure to do so or  
15 to return the original of the examination to  
16 the attorney on whose behalf the examination  
17 is taken, shall not be deemed a waiver of the  
18 rights provided by Rules 3116 and 3117 of the  
19 C.P.L.R, and shall be controlled thereby; and

20 THAT the certification and filing of the  
21 original of this examination are hereby  
22 waived; and

23 THAT the questioning attorney shall provide  
24 counsel for the witness examined herein with a  
25 copy of this examination at no charge.

1 J. KIM

2 J O H N K I M, the Witness herein,  
3 having been first duly sworn by a Notary  
4 Public of the State of New York, was  
5 examined and testified as follows:

6 EXAMINATION

7 BY MS. BERKOWITZ:

8 Q. State your name for the record,  
9 please.

10 A. John Kim.

11 Q. Mr. Kim, my name is Janice  
12 Berkowitz. I'm the attorney for the  
13 Defendant YS2 Enterprises; we also call  
14 it the "karaoke club" in a lawsuit that  
15 was commenced by Edward Shin.

16 Are you here today pursuant to a  
17 non-party subpoena?

18 A. Yes.

19 Q. And the gentleman to your left  
20 is your attorney for today?

21 A. Yes.

22 Q. Okay. I'm going to focus on  
23 April 21st, 2017. Did you go to the  
24 karaoke club with Edward Shin that  
25 night?

1 J. KIM

2 A. Yes.

3 Q. Where had you been before you  
4 got to the karaoke club?

5 A. We had a meeting within the bank  
6 and after the meeting, myself and  
7 Mr. Shin and a couple of employees went  
8 out for the dinner.

9 Q. Where was the dinner?

10 A. New Jersey.

11 Q. What time did the dinner start?

12 A. I don't quite recall the exact  
13 time, but probably around seven.

14 Q. And what time did it end?

15 A. Probably 9:30, before 10, I  
16 guess -- I believe.

17 Q. And you're employed by  
18 Noah Bank?

19 A. Yes.

20 Q. And at that time what was your  
21 position?

22 A. I'm head of Special Asset  
23 Department, controlling problem loans.

24 MR. WEISSLER: Off the  
25 record.



1 J. KIM

2 (Whereupon, a discussion was  
3 held off the record.)

4 Q. What was Mr. Shin's position at  
5 that time?

6 A. Chief Executive Officer.

7 Q. During the dinner in New Jersey,  
8 did you observe Mr. Shin drinking  
9 alcohol?

10 A. Yes.

11 Q. What did you observe him  
12 drinking?

13 A. Just -- not much.

14 Q. What did you observe him  
15 drinking?

16 A. What kind of drink? Is that  
17 what you're asking?

18 Q. Right.

19 A. We had whisky.

20 Q. And how much whisky did he  
21 consume during dinner?

22 A. Not much.

23 Q. What do you mean by "not much"?

24 A. Maybe several shots.

25 Q. What's "several" to you?

1 J. KIM

2 A. Probably three or four.

3 Q. Were you drinking that night?

4 A. Probably one glass of shot(sic).

5 Q. When you left the dinner, where  
6 did you go?

7 A. I, myself -- myself and Mr. Shin  
8 went to Flushing.

9 Q. What was the purpose of going to  
10 Flushing?

11 A. After we got out from the  
12 restaurant, I believe Mr. Shin received  
13 a phone call and then he wanted to --  
14 "We have to go to Flushing."

15 Q. Do you know who he received the  
16 phone call from?

17 A. I don't know.

18 Q. Did he say why he had to go to  
19 Flushing?

20 A. He had meeting with -- he have  
21 meeting with Mr. Lee -- Chung Kane Lee.

22 Q. Who's Chung Lee?

23 A. Chung Lee -- his friend.

24 Q. Was he some type of business  
25 associate?

1 J. KIM

2 A. He -- yes. He received the loan  
3 from us -- our bank.

4 Q. Do you know the purpose of the  
5 meeting?

6 A. No, just a casual meeting.

7 Q. Was it a friendly social meeting  
8 or a business meeting?

9 A. I don't know about that.

10 Q. Okay. After he received the  
11 phone call, did you drive to Flushing?

12 A. Yes.

13 Q. Okay.

14 MR. WEISSLER: Who was the  
15 driver?

16 THE WITNESS: I was the  
17 driver.

18 Q. What time did you leave  
19 New Jersey?

20 A. Probably between 9:30 or 10, I  
21 don't quite recall.

22 Q. What time did you arrive in  
23 Flushing?

24 A. About 10:30, before 11 -- 11  
25 around.

1 J. KIM

2 Q. And when you arrived in  
3 Flushing, where did you go?

4 A. The karaoke bar called CEO.

5 Q. Have you ever been there before?

6 A. No.

7 Q. Had Mr. Shin ever been there  
8 before?

9 A. I don't know.

10 Q. When you got to the karaoke bar,  
11 what did you do?

12 A. We went to a room where I saw  
13 Mr. Chung Lee was there and CPA Park  
14 was there and there's another party but  
15 I don't have his name.

16 Q. When you got to the karaoke --  
17 strike that.

18 When you got to the premises,  
19 how did you get to the karaoke bar?  
20 Did you go upstairs, take an elevator,  
21 something else?

22 A. I think we have to use  
23 stairway(sic).

24 Q. Okay. And when you got to the  
25 karaoke bar, did anyone greet you?

1 J. KIM

2 A. Yeah.

3 Q. Who greeted you?

4 A. Mr. Shin and CPA Park.

5 Q. Mr. Shin assisted you?

6 A. Yes.

7 Q. Did anyone from the karaoke bar  
8 greet you?

9 A. Anyone from karaoke bar? No.

10 Q. Did the owner or waiter or  
11 anybody else greet you?

12 A. No.

13 Q. How did you know where to go  
14 when you arrived?

15 A. I just followed Mr. Shin's  
16 direction.

17 Q. Do you know how Mr. Shin knew  
18 where to go?

19 A. I don't know.

20 Q. Okay. Where did Mr. Shin lead  
21 you to?

22 A. I don't quite remember but there  
23 was a bunch of rooms within the karaoke  
24 bar and I went into one of the rooms  
25 where Mr. Chung Lee and CPA Park

1 J. KIM

2 stayed.

3 Q. So Chung Lee and CPA Park were  
4 already in the room?

5 A. Yes.

6 Q. You went in with Mr. Shin?

7 A. Yes.

8 Q. When you went into the room,  
9 what did you observe, if anything? Was  
10 there any alcohol in the room already?

11 A. Yes.

12 Q. What was in the room already?

13 A. Whisky.

14 Q. What kind of whisky?

15 A. I think it was Johnnie Walker  
16 Black and the fruits and glasses.

17 Q. And where was the Johnnie Walker  
18 Black?

19 A. On the table.

20 Q. And was any alcohol missing from  
21 the bottle when you got there?

22 A. Bottle --

23 Q. Was it full -- was the bottle  
24 full?

25 A. I don't recall.

1 J. KIM

2 Q. Okay. When you got into the  
3 room, did any waiter or server come in?

4 A. Yes -- actually, it's time to  
5 time. When I got there the waiter was  
6 serving something but it's really time  
7 to time. Everything was displayed on  
8 the table already.

9 Q. So what do you mean "displayed"?  
10 The bottle was on the table?

11 A. Yeah; bottles, and fruits,  
12 plates.

13 Q. Did you see the waiter ever pour  
14 anybody a drink?

15 A. No.

16 Q. Do you know the name of the  
17 waiter?

18 A. No.

19 Q. Was it the same waiter  
20 throughout?

21 A. I don't know.

22 Q. When you first got to the room,  
23 did Mr. Shin have anything to drink?

24 A. He had a couple of shots, I  
25 believe one or two.

1 J. KIM

2 Q. One or two?

3 A. Yeah.

4 Q. Did he have any beer?

5 A. I don't recall, just the whisky  
6 was there.

7 Q. Did you have anything to drink?

8 A. I had one shot, yes.

9 Q. You were the designated driver  
10 that night?

11 A. I was the driver.

12 Q. And when was that determined?

13 A. When was it determined?

14 Q. Right.

15 A. After we got out of the dinner  
16 from New Jersey.

17 Q. Did Mr. Shin ask you to be the  
18 designated driver?

19 A. Well, I'm the only one who  
20 brought the car into the restaurant in  
21 New Jersey.

22 Q. It was your car?

23 A. It was my car.

24 Q. What time did do you think that  
25 you got into the room?



1 J. KIM

2 A. Probably between 10:30 to 11.

3 Q. What happened during the next  
4 half hour?

5 A. Actually, after I got into the  
6 room and CPA Park walked out from the  
7 room and he came back within about 10  
8 to 15 minutes and took Mr. Shin out for  
9 potential clients -- he wanted to  
10 introduce potential clients where they  
11 were, in the other room(sic).

12 Q. Who were the clients in the  
13 other room?

14 A. The guy who kicked Mr. Shin.

15 Q. And do you know his name?

16 A. I think it's Mr. Lee but I don't  
17 have his full name.

18 Q. Did you know him before that  
19 night?

20 A. No.

21 Q. And did you know CPA Park before  
22 that night?

23 A. Yes.

24 Q. And how do you know him?

25 A. He's -- he's the CPA and since

1 J. KIM

2 we're the banker and we usually have  
3 communication with CPAs, because  
4 clients use CPA Park often.

5 Q. Is CPA Park for Noah Bank?

6 A. Not for Noah Bank but  
7 Noah Bank's clients.

8 Q. Okay. How long did you know him  
9 before that time?

10 A. Two years, three years.

11 Q. What about Mr. Shin, how long  
12 did you know him for?

13 A. I don't know that.

14 Q. When did you start working for  
15 Noah Bank?

16 A. Since 2012.

17 Q. And do you work in the Fort Lee,  
18 New Jersey, office?

19 A. Yes.

20 Q. And so does Mr. Shin?

21 A. Yes.

22 Q. Do you socialize outside of  
23 work?

24 A. With myself or?

25 Q. With you and Mr. Shin.

1 J. KIM

2 A. Not much.

3 Q. But occasionally?

4 A. Like, rarely.

5 Q. Do you consider him a friend or  
6 more of a business associate or both?

7 A. Both.

8 Q. Okay. All right.

9 So when Mr. Park took Mr. Shin  
10 out, how long were you in that room  
11 before that happened, how many minutes?

12 A. Probably like hour and a half,  
13 two hours.

14 Q. Before he left? Before Mr. Shin  
15 left with Mr. Park, how long were you  
16 in the room for?

17 A. 10 or 15 minutes.

18 Q. Okay. During those 10 or 15  
19 minutes, how much did you see Mr. Shin  
20 drink?

21 A. Not much but -- it was a very  
22 short time period so, like, three to  
23 four, I don't recall exactly.

24 Q. Three to four shots?

25 A. He had a lot of drinks. I can't

1 J. KIM

2 tell you exactly how many shots he had.

3 Q. Was that just from that one  
4 bottle when you walked into the room?

5 A. Yes.

6 MR. WEISSLER: Was that  
7 within the 15 minutes he had  
8 three to four shots?

9 MS. BERKOWITZ: Yes.

10 Q. What did CPA Park tell Mr. Shin  
11 before they walked out together? You  
12 said that he wanted him to meet some  
13 potential clients?

14 A. Yeah.

15 Q. Do you remember anything else  
16 about the conversation?

17 A. No.

18 Q. So then CPA Park left with  
19 Mr. Shin?

20 A. Yes.

21 Q. And you stayed in there with  
22 Chung Lee?

23 A. Chung Lee and other party, I  
24 don't have his name.

25 Q. Did you know Chung Lee before

1 J. KIM

2 that night?

3 A. I met him once.

4 Q. And where was that?

5 A. In Flushing.

6 Q. Was that a business meeting or a  
7 social gathering?

8 A. No, we had a company dinner at  
9 his restaurant where Chung Lee  
10 operated.

11 Q. All right.

12 Now, when Mr. Park left with  
13 Mr. Shin, they went into the room where  
14 Young Lee was?

15 A. I think so.

16 Q. Do you know who else was in  
17 there?

18 A. There was one more guy.

19 Q. Do you know his name?

20 A. No.

21 Q. How long were Mr. Park and  
22 Mr. Shin gone for?

23 A. Hour and a half.

24 Q. During that period of time, did  
25 you ever go into the room to check on

1 J. KIM

2 Mr. Shin?

3 A. No.

4 Q. You stayed in your room?

5 A. Yes.

6 Q. What did you do in your room?

7 A. Just sit there and wait until  
8 Mr. Shin comes back.

9 Q. Did you ever hear of any arguing  
10 or screaming or any problems?

11 A. No.

12 Q. While you were in your room, was  
13 the second bottle of alcohol ordered?

14 A. I don't recall that.

15 Q. And how much did you drink  
16 during the hour and a half?

17 A. I didn't drink.

18 Q. You stopped drinking after you  
19 took that one shot?

20 A. Yes.

21 Q. And you were sober?

22 A. Mhmm.

23 Q. Yes?

24 A. Yes.

25 Q. During the hour and a half that

1 J. KIM

2 Mr. Shin was in with Mr. Park and  
3 Mr. Young Lee, do you know how much  
4 Mr. Shin drank during that hour and a  
5 half?

6 A. I don't know.

7 Q. When for the next time did you  
8 see Mr. Shin?

9 A. I went into -- into the room  
10 where Mr. Shin's staying to let him  
11 know we're leaving to see whether  
12 Mr. Shin wanted to leave.

13 Q. And what did he say?

14 A. He said he wanted to leave.

15 Q. What did you observe when you  
16 went into that room?

17 A. They were sitting together.

18 Q. Who was sitting together?

19 A. Mr. Shin and Mr. Lee on the  
20 other side and the other party was in  
21 there sitting. Three people -- three  
22 guys were sitting in that room.

23 Q. Daniel Park was there also?

24 A. Daniel Park wasn't in the room.

25 Q. Where was he?

1 J. KIM

2 A. I don't know.

3 Q. You didn't --

4 A. I think he went back to my room  
5 for that hour and a half time period.

6 Q. When you went into the room, you  
7 saw Mr. Shin, Young Lee, and who?

8 A. The other guy, I don't have that  
9 name.

10 Q. Do you know who the other guy  
11 was?

12 A. I think he was the other  
13 business owner, I don't know.

14 Q. When you went in, what did you  
15 observe?

16 A. They were just sitting and  
17 relaxing.

18 Q. Did you notice any problems?

19 A. I don't see any problems(sic).

20 Q. Did Mr. Shin appear intoxicated  
21 to you?

22 A. Seems like it, yes.

23 Q. What did you base that on?

24 A. He was so relaxed.

25 Q. Relaxed?



1 J. KIM

2 A. He was sitting back like that  
3 (indicating).

4 Q. Indicating back on the couch?

5 A. Yes.

6 Q. Did he seem angry or upset or  
7 agitated?

8 A. No.

9 Q. What else, besides him being  
10 relaxed, which led you to believe he  
11 was intoxicated?

12 A. That's about it.

13 Q. What about Young Lee, did you  
14 observe anything about him?

15 A. No, I didn't have a chance to  
16 see him because I got into the room and  
17 I asked for Mr. Shin to leave and he  
18 said, "Okay. We'll leave," and I took  
19 him out.

20 Q. Did you see Mr. Lee consume any  
21 alcohol that night?

22 A. At the time I didn't recognize  
23 it but there were silver bottles on  
24 their table, seems like they been  
25 drinking.

1 J. KIM

2 MS. BERKOWITZ: Move to  
3 strike anything nonresponsive.

4 Q. Did you witness Mr. Young Lee  
5 drinking any alcohol?

6 A. I didn't see him drink.

7 Q. Okay. So besides for seeing  
8 Mr. Shin relaxing, did you notice  
9 anything else in that room at that time  
10 when you walked in?

11 A. No.

12 Q. Did you notice any arguing or  
13 fighting or anything like that?

14 A. No.

15 Q. Okay. When you came into the  
16 room and asked Mr. Shin if he wanted to  
17 leave, what did he say?

18 A. He said he wanted to leave.

19 Q. Then what happened?

20 A. I take him out and we walked  
21 through the hallway.

22 Q. What do you mean "take him out,"  
23 did you escort him?

24 A. Yeah, I helped him out to stand  
25 and then we walked out together.

1 J. KIM

2 Q. Why'd you help him to stand?

3 A. He seems very tired.

4 Q. Was he also intoxicated? Is  
5 that why you helped him?

6 A. I believe so, yes.

7 Q. After you helped him stand, what  
8 did you do next?

9 A. We walked out of the door with  
10 Chung Kane Lee and we all three walked  
11 in the hallway toward the exit and  
12 Mr. Lee followed out.

13 Q. Mr. Young Lee?

14 A. Young Lee, the guy who kicked  
15 Mr. Shin, and he's following us and we  
16 were standing at the platform at the  
17 right front of the stairway.

18 Q. Do you know why he was following  
19 you out?

20 A. I don't know.

21 Q. When you were walking Mr. Shin  
22 out with Chung Lee, was there any  
23 arguing?

24 A. No.

25 Q. Was Mr. Shin being loud or

1 J. KIM

2 verbally aggressive or anything?

3 A. No, not really.

4 Q. What do you mean "not really"?

5 A. I'm sorry, your question again.

6 Q. Was Mr. Shin -- when you were

7 walking out -- was he yelling or

8 cursing or being angry or anything?

9 A. No.

10 Q. Okay. So you were just walking

11 out normally and you were helping

12 Mr. Shin, and Young Lee followed you?

13 A. Yes.

14 Q. Do you know why he followed you?

15 A. I don't know.

16 Q. Was he saying anything?

17 A. He's the guy who was yelling and

18 talk loud(sic).

19 Q. What was he yelling? What were

20 his words?

21 A. I don't remember what he was

22 saying. He was mumbling and his

23 pronunciation wasn't clear enough for

24 me to hear and I was helping Mr. Shin

25 too, you know, walk out of the

1 J. KIM

2 hallway -- walking him through the  
3 hallway, so I really don't know.

4 Q. Was he speaking English or  
5 Korean?

6 A. Speaking Korean.

7 Q. Do you speak Korean?

8 A. I do.

9 Q. Do you understand any words of  
10 what he was saying?

11 A. He kept saying, "Why are you  
12 leaving?"

13 Q. Okay. Did anybody respond to  
14 that?

15 A. No, we wanted to go home. I  
16 think Mr. Shin responded, "I want to go  
17 home."

18 Q. What was Shin's tone when he  
19 said that?

20 A. Very casual.

21 Q. Did Young Lee say anything in  
22 response to that?

23 A. I don't quite recall.

24 Q. When you got to the landing,  
25 what happened?

1 J. KIM

2 A. And I guess he tried to close --

3 Q. Who?

4 A. Young Lee.

5 Q. Tried to what?

6 A. Getting close to Mr. Shin and  
7 since his behavior and, you know,  
8 acting like a drunk guy, so I and  
9 Mr. Chung Kane Lee were probably in the  
10 same position to block him away from  
11 Mr. Shin.

12 Q. Who was acting like a drunk guy?

13 A. Mr. Lee.

14 Q. What was he doing, acting like a  
15 drunk?

16 A. His behavior, yelling, "Why are  
17 you leaving," something like that. I  
18 think they had some conversation at the  
19 platform right in front of the  
20 stairway.

21 Q. Who had the conversation?

22 A. Mr. Lee and Mr. Chin and Chung  
23 Kane Lee.

24 Q. What was the conversation?

25 A. Still -- I remember him still

1 J. KIM

2 saying, "Why are you leaving?"

3 Q. And that was basically what you  
4 recall?

5 A. Yes.

6 Q. What were you doing on the  
7 landing?

8 A. I was trying to stay away from  
9 Mr. Shin(sic).

10 Q. Why were you trying to stay away  
11 from Mr. Shin?

12 A. Because it seems like his  
13 behavior wasn't really normal.

14 Q. Shin?

15 A. No, Young Lee.

16 Q. What do you mean by not normal?

17 A. Because he's yelling and asking  
18 the same questions over again.

19 Q. What was Mr. Shin doing while  
20 Mr. Lee was yelling?

21 A. He said -- well, in question to  
22 "Why are you leaving," he said, "I want  
23 to go home," and that was the part that  
24 I remember.

25 Q. Okay. Can you see Mr. Shin give

1 J. KIM

2 Young Lee the finger?

3 A. Yes.

4 Q. Okay. Do you know why he did  
5 that?

6 A. I don't know, maybe some sort of  
7 disagreement between two of them, I  
8 don't know.

9 Q. What was the disagreement for  
10 why you were going home?

11 A. I don't know.

12 Q. What was Chung Lee doing during  
13 this time?

14 A. He's trying to -- same situation  
15 as I did(sic). He was trying to block  
16 him away from Mr. Shin and he's hugging  
17 and I think shaking hands at the time,  
18 Mr. Chung Lee with Young Lee.

19 Q. Do you know why he was doing  
20 that?

21 A. I don't know, I think Chung  
22 Kane Lee known him a very long time  
23 ago, like met him once or twice before.

24 Q. When did Chung Lee tell you  
25 that, after this incident?



1 J. KIM

2 A. Yeah.

3 Q. Did you know that at the time?

4 A. Yeah.

5 Q. So besides from Chung Lee,  
6 Young Lee, and you, was there anybody  
7 else on the landing?

8 A. I think only four persons were  
9 there.

10 Q. How long did this exchange go on  
11 when the four of you were on the  
12 landing before the incident?

13 A. It was very quick, not too long,  
14 less than five minutes.

15 Q. Okay. And what do you recall  
16 happening right before Mr. Shin fell?

17 A. Well, same thing, that they're  
18 talking and I'm just concentrating on,  
19 you know, trying to block him away a  
20 little bit.

21 Q. Were you doing anything  
22 physically?

23 A. No, I was just standing in the  
24 middle.

25 Q. With your body?

1 J. KIM

2 A. Yes, between Young Lee and  
3 Mr. Shin.

4 Q. And then what happened?

5 A. And then he fell.

6 Q. What's the last thing you  
7 remember happening before Mr. Shin  
8 fell?

9 A. Chung Kane Lee and I stay in the  
10 middle between Young Lee and Mr. Shin  
11 and they were talking and somehow  
12 Mr. Shin fly down -- I mean he fell  
13 down to the stairway and I got really  
14 surprised and shocked and I followed  
15 Mr. Shin downstairs and called the  
16 waiter -- or the employee in the  
17 karaoke bar called 911.

18 Q. How did you get the employee?

19 A. I called him, I think they  
20 walked out.

21 Q. And then you told the  
22 employee --

23 A. To call 911.

24 Q. And then the police arrived?

25 A. And then I asked him to call

1 J. KIM

2 both 911 and police officer(sic).

3 Q. Okay. When the police officer  
4 arrived, did you talk to the police  
5 officer?

6 A. Yes.

7 Q. Did they ask you any questions?

8 A. He was asking what happened and  
9 I explained.

10 Q. What did you explain?

11 A. We were -- like same situation.  
12 We were in the room and then Mr. Shin  
13 went to other room for I think a  
14 business purpose and then I take him  
15 out and then he followed and then he  
16 kicked him.

17 Q. Did you see -- who kicked who?

18 A. Young Lee kicked Mr. Shin.

19 Q. How do you know that?

20 A. Because I -- I kind of feel it.  
21 I didn't really see where he kicked but  
22 his leg -- something was on my side. I  
23 was standing on the left side and Chung  
24 Lee was on the right side and between  
25 us there's something moving through my,

1 J. KIM

2 you know, right side, and Mr. Shin got  
3 fell(sic).

4 Q. You didn't see him kick?

5 A. I didn't see him kick.

6 Q. But you saw something?

7 A. I feel it, I feel his movements.

8 Q. What did you feel?

9 A. Something go through on my side,  
10 my right side.

11 Q. Did you see what went through?

12 A. Not really, I was seeing his  
13 face, Young Lee at the time.

14 Q. Right?

15 A. So if you're asking me if Lee  
16 really kicked him, did I see it? No.

17 Q. Did you ever bump into Mr. Shin  
18 before he fell?

19 A. No.

20 Q. We previously marked an invoice  
21 or receipt as Exhibit C on February  
22 1st, 2019, have you ever seen that  
23 before?

24 A. No.

25 Q. I'm going to represent to you

1 J. KIM

2 that this is the receipt for  
3 Young Lee's room. Okay?

4 A. Okay.

5 Q. Do you know who paid that bill?

6 A. I don't know.

7 Q. Did you?

8 A. I didn't pay it.

9 Q. Did Mr. Shin?

10 A. I don't know.

11 Q. Okay. Mr. Shin testified at his  
12 deposition that he usually has about a  
13 thousand or \$1,100 in his wallet and  
14 when he woke up at the hospital, it  
15 wasn't in there; do you know what  
16 happened to his money?

17 A. I don't know.

18 Q. Do you know if he paid this  
19 bill?

20 A. I don't know.

21 Q. Some time after this incident  
22 happened, did Mr. Shin come back to  
23 work?

24 A. After the incident?

25 Q. Right.

1 J. KIM

2 A. Yes, he came back to work, yes.

3 Q. And when he came back to work,  
4 did he have the same duties as he did  
5 before he left?

6 A. Not really. Not normally; he  
7 doesn't participate in his business  
8 operations since he's Executive  
9 Officer. Our bank is a small, Korean  
10 community bank and most likely, even  
11 though there's a lot of employees  
12 there, Chief Executive Officer duty is  
13 very important to run the bank because  
14 he made all the big decisions but  
15 during his absence period, I think he's  
16 been absent for, I don't quite recall  
17 how long, probably like three months or  
18 four months or five months or so, so  
19 everything was delayed.

20 After he came back he had to go  
21 to Philadelphia for treatment and going  
22 forward -- you know, like over a year I  
23 guess and back and forth driving two  
24 hours and back is probably four hours  
25 driving twice a week and I believe he

1 J. KIM

2 had another surgery recently, like two  
3 weeks before.

4 Q. Did the bank hire anyone to  
5 fulfill his duties?

6 A. For the Chief Executive  
7 position?

8 Q. Right.

9 A. No.

10 Q. So who, if anyone, performed  
11 those duties during Mr. Shin's absence?

12 A. I believe Chairman of the  
13 Bank -- not his full duties of  
14 Mr. Shin's work but he came to the bank  
15 more often compared to previous and we  
16 have a number of Executive Officers to  
17 run the bank but some decisions need to  
18 be made by the Chief Executive. No one  
19 can take over Mr. Shin's position.

20 Q. So is Mr. Shin back working as  
21 the President and the CEO now?

22 A. Yes.

23 Q. And have you noticed any  
24 difference in his performance?

25 A. Well, he's getting tired very

1 J. KIM

2 easily compared to previous to the  
3 incident(sic).

4 Q. Anything else that you observed?

5 A. He's -- well, his number one  
6 talent was good memory and I think he's  
7 losing some memories after the  
8 incident. I don't know if it's caused  
9 by the incident happening but.

10 Q. And have you reported that to  
11 anybody at the bank?

12 A. About my feeling?

13 Q. Right.

14 A. No.

15 Q. And are you still friendly with  
16 Mr. Shin?

17 A. Well, I'm not -- I can't say  
18 it's friendly but we're good  
19 relationship as a business, you know,  
20 the Chief Executive Officer and the  
21 employee(sic).

22 Q. So you're an employee of the  
23 bank not of Mr. Shin, right?

24 A. Correct.

25 Q. Okay. Now, without telling me



1 J. KIM

2 the substance of anything that you  
3 might have said, did you give your  
4 attorneys any written statements?

5 A. No.

6 Q. Did you give any recorded  
7 statements into a tape recorder?

8 A. No.

9 Q. Did you give any video  
10 statements?

11 A. No.

12 Q. Did you tell Mr. Shin you were  
13 coming here today? Did you discuss  
14 your deposition with him?

15 A. Yes, well, I didn't discuss but  
16 I told him I'm going to a deposition.  
17 I need his permission to leave the  
18 bank.

19 Q. Did he say anything to you about  
20 what type of questions would be asked  
21 or anything like that?

22 A. No.

23 Q. Did he give you any instructions  
24 as what to say, what not to say?

25 A. No.

1 J. KIM

2 MS. BERKOWITZ: Do you want  
3 to show the video?

4 MS. NICOLAOU: Whatever you  
5 want me to do.

6 MS. BERKOWITZ: Yeah. You  
7 can show it.

8 EXAMINATION

9 BY MS. NICOLAOU:

10 Q. Good morning, Mr. Kim. My name  
11 is Carmen Nicolaou. I represent  
12 several individuals in this action that  
13 Mr. Shin has commenced, who owned the  
14 property at the time of Mr. Shin's  
15 accident. I'm going to ask you a  
16 couple of follow-up questions. I'll  
17 try not to repeat myself. Please wait  
18 for the questions to be fully asked  
19 before answering it. We can't talk  
20 over each other; you did a pretty good  
21 job with Counsel over here so I'm sure  
22 it's not going to be an issue.

23 If you don't understand a  
24 question, please let me know. I'll be  
25 happy to rephrase the question for you.

1 J. KIM

2 If you answer the question, I can only  
3 assume you understood it, okay, so it's  
4 important to let me know if you're not  
5 sure what I'm asking. Okay?

6 A. Okay.

7 Q. Your primary language is Korean,  
8 correct?

9 A. Yes.

10 Q. But I see your fluent in  
11 English, right?

12 A. Yeah, if you feel that way.

13 Q. Do you agree that you're fluent  
14 in English?

15 A. I'm okay with English, I  
16 understand.

17 Q. You understand questions -- you  
18 understand all the questions that was  
19 asked by prior Counsel, right?

20 A. Correct.

21 Q. You can read and write English?

22 A. Yes.

23 Q. And prior to coming here today,  
24 did you review any documents in  
25 preparation for today's deposition?

1 J. KIM

2 A. No.

3 Q. But you met with your attorney  
4 prior to today's deposition to prepare,  
5 correct?

6 A. No, I just arrived a little  
7 earlier so I met him just for the  
8 greeting purpose.

9 Q. For greeting purpose?

10 MR. WEISSLER: Is that the  
11 gentleman sitting to your right.

12 THE WITNESS: Yes.

13 Q. That's the one who's sitting  
14 with you --

15 A. Yes, and also Robert Basil, he's  
16 sitting in his office.

17 Q. Is he in his office now?

18 A. Yes.

19 Q. Mr. Kim, let me just clear up,  
20 you had the vehicle but you were not  
21 considered the designated driver; is  
22 that right?

23 A. I'm not the designated driver.

24 Q. So it wasn't that when you went  
25 out to dinner -- you and Mr. Shin went

1 J. KIM

2 out to dinner, in New Jersey, it wasn't  
3 agreed to that you would be the  
4 designated driver?

5 A. That is correct, I'm the one who  
6 brought the car to the restaurant.

7 Q. And from there you drove  
8 Mr. Shin to the karaoke bar?

9 A. Yes.

10 Q. Now, I understand you were  
11 brought into one room where CPA Park  
12 was in; is that right; the 1st room?

13 A. Yes.

14 Q. And is that where Mr. Park was  
15 in the first room or was it where  
16 Mr. Chung Lee was in the first room?

17 A. Chung Lee and CPA Park and other  
18 person, I don't have his name right  
19 now; three people were in the room and  
20 Mr. Shin and I went into that room.

21 Q. The first room you entered was a  
22 room where Mr. Chung Lee was in, CPA  
23 Park was in, and an individual you  
24 don't know the name; is that right?

25 A. Yes.

1 J. KIM

2 Q. So it was you, those three  
3 individuals(sic), Mr. Shin, and  
4 yourself?

5 A. Yes.

6 Q. And that was about for 10 to 15  
7 minutes?

8 A. 10, 15 minutes, yes.

9 Q. And at that point, Mr. Shin left  
10 that room?

11 A. If I remember correctly,  
12 Mr. Park left the room first and then  
13 he came back to our room to take  
14 Mr. Shin out.

15 Q. And the purpose of that was to  
16 introduce Mr. Shin to someone else?

17 A. Yes.

18 Q. And do you know who that person  
19 was?

20 A. I didn't know at the time.

21 Q. Do you know who it is today?

22 A. Mr. Lee -- Young Lee.

23 Q. Mr. Young Lee?

24 A. Yes.

25 Q. And when Mr. Shin left with

1 J. KIM

2 Mr. Park to go into another room, you  
3 remained behind the entire time for an  
4 hour and a half?

5 A. Yes.

6 Q. And in that hour and a half,  
7 Mr. Chung Lee was in that room?

8 A. Yes.

9 Q. And the other individual, you  
10 don't remember the name of right?

11 A. Yes.

12 MS. NICOLAOU: Do you have  
13 the other (pointing)?

14 MS. BERKOWITZ: Yes.

15 Q. I'm going to show you what's  
16 been previously marked Defendant's  
17 Exhibit B, dated February 1st, 2019.

18 Now, this had been testified to  
19 that this particular bill or tab was  
20 for the room that you were in with  
21 Mr. Chung Lee and individual -- the  
22 room that you first entered. And I  
23 understand that you also read Korean;  
24 is that right?

25 A. Yes.

1 J. KIM

2 Q. Can you tell me what's written  
3 on top?

4 A. Seems to me it's a name -- a  
5 person's name; it says "Siyun Young."

6 MR. COHEN: Could you spell  
7 those names, please?

8 THE WITNESS: Spell.

9 Q. Why don't we do this, there was  
10 one name that's circled; is that right?

11 A. Yes.

12 Q. What's that name?

13 A. S-I-Y-U-N. I just give you the  
14 spelling as you pronounce it. I don't  
15 know the exact spelling but that's  
16 Siyun definitely.

17 Q. To your understanding, that's a  
18 woman's name?

19 A. That's a woman.

20 Q. Was there a woman in the room?

21 A. Yes.

22 Q. Was that the person you didn't  
23 know or another person?

24 A. It's a different person.

25 Q. How many people were in that



1 J. KIM

2 room in total?

3 A. Well, at the time I got into the  
4 room there was just Chung Kane Lee and  
5 other guy, which I don't know the name  
6 exactly, and CPA Park was there; only  
7 three persons were there. Myself and  
8 Mr. Shin got into the room and later  
9 on, some ladies came into the room.

10 Q. Okay. Who were those ladies?

11 A. Who were those ladies?

12 Q. Yes. Who were those ladies?

13 A. Their employee.

14 Q. What were they doing in that  
15 room?

16 A. Like service; drinking, you  
17 know, pour the drinks in the glass and,  
18 you know, service.

19 Q. And immediately to the right of  
20 the name that was circled; what is that  
21 name?

22 A. Eve.

23 Q. Eve?

24 A. Eve.

25 Q. Is that another woman?

1 J. KIM

2 A. Yes.

3 MR. WEISSLER: Spell that.

4 MS. NICOLAOU: E-V-E.

5 THE WITNESS: E-V-E, maybe.

6 Q. Okay. And to the right of that?

7 A. Yuju, Y-U-J-U.

8 Q. Is that a female's name?

9 A. Seems like it.

10 Q. The one next to it?

11 A. Seyung, S-E-Y-U-N-G.

12 MR. WEISSLER: Is that also  
13 a woman?

14 THE WITNESS: I believe so,  
15 I don't know -- I don't know.

16 Q. It says "10:45," you see that?

17 A. Yes.

18 Q. Can you tell me what's written  
19 underneath?

20 A. It says, "Jason and Mr. Shin."

21 Q. Jason is who?

22 A. I don't know, I think maybe the  
23 other guy that I don't know.

24 Q. And the other name is Mr. Shin?

25 A. Mr. Shin.

1 J. KIM

2 Q. Is it because they were sharing  
3 a room -- to your knowledge, was  
4 Mr. Shin sharing a room with another  
5 person?

6 A. No, the other person is relative  
7 other parties -- Chung Kane Lee maybe,  
8 the guy. I don't know who Jason is  
9 exactly but I don't know why they put  
10 those names on the invoices(sic).

11 Q. Do you know who took care of  
12 this particular tab?

13 A. Particular tab of the whisky?

14 Q. No -- with the tab for this  
15 room.

16 A. I don't know.

17 Q. When you left that room, do you  
18 know if the bill was given to be taken  
19 care of?

20 A. I don't know.

21 Q. You didn't personally take care  
22 of the bill?

23 A. I didn't, no.

24 Q. You didn't observe anyone else  
25 taking care of the bill?

1 J. KIM

2 A. I don't know.

3 Q. You don't know if you observed  
4 or you did not observe?

5 A. I don't know, I did not observe  
6 anything.

7 Q. In other words, did you see  
8 anyone taking care of this particular  
9 bill?

10 A. No.

11 Q. Or a bill of any bill that came  
12 into that room?

13 A. No.

14 Q. The room that you were in?

15 A. No.

16 Q. Okay. And you remained in that  
17 room consistently for an hour and a  
18 half about?

19 A. Maybe back and forth to the  
20 bathroom and I was really bored at that  
21 time, so I stepped out for a second and  
22 I had a cigarette and I don't know  
23 what's happening during my  
24 absence(sic).

25 Q. When you smoke for -- when you

1 J. KIM

2 smoked, where did you go; outside the  
3 building?

4 A. There's one small door out -- I  
5 could go into the out, there's a  
6 stairway different to where we exited.

7 Q. Okay. That you can --

8 A. Yeah, I can have smoke there.

9 Q. Okay. Other than leaving the  
10 room to use the bathroom and leaving  
11 the room to smoke, you were pretty much  
12 in that room for an hour and a half; is  
13 that right?

14 A. Right.

15 Q. So you didn't see Mr. Shin at  
16 all for an hour and a half, right?

17 A. Correct.

18 Q. And the first time you saw  
19 Young Lee was when you went in to see  
20 Mr. Shin and asked if he wanted to  
21 leave?

22 A. Yes.

23 Q. Okay. Now let's talk about  
24 that. You left that room and you went  
25 straight to the other room?

1 J. KIM

2 A. Yes.

3 Q. How did you know which room to  
4 go to?

5 A. I was following Chung Kane Lee  
6 at the time.

7 Q. Okay. So you and Mr. Lee left  
8 together?

9 A. Yes.

10 Q. Chung Lee?

11 A. Yes.

12 Q. And you left together and  
13 Mr. Chung Lee took you to the second  
14 room?

15 A. I don't quite recall for -- I  
16 was just following Chung Kane Lee and  
17 then we got into that room and Mr. Shin  
18 was there.

19 Q. Okay. Now, I know you said you  
20 left the first room a couple of times  
21 to smoke a cigarette and just to use  
22 the restroom, did you observe Mr. Chung  
23 Lee use that rest room for any reason?

24 A. I don't recall, you know, within  
25 the hour and a half they could be in

1 J. KIM

2 and out. I can't really, you know,  
3 track down.

4 Q. You have no recollection one way  
5 or the other if Mr. Chung Lee left that  
6 room?

7 A. No.

8 Q. When you entered the second room  
9 where Mr. Shin was at, did you enter  
10 that room with Mr. Chung Lee?

11 A. Yes.

12 Q. And when you entered that room,  
13 you observed Mr. Shin sitting on the  
14 couch?

15 A. Yes.

16 Q. Looking relaxed I think you said  
17 and laid back?

18 A. Yes.

19 Q. And was Mr. Young Lee in that  
20 room?

21 A. Yes.

22 Q. Okay. Where was he?

23 A. He was on the other side of the  
24 chair, couch.

25 Q. Was there anybody else in that

1 J. KIM

2 room other than Mr. Young Lee and  
3 Mr. Shin?

4 A. There's a one guy, another one  
5 guy there, and one lady was in that  
6 room.

7 Q. Okay. Was anyone passed out on  
8 the couch?

9 A. "Passed out" means like  
10 sleeping?

11 Q. Sleeping.

12 A. No.

13 Q. Everybody was awake?

14 A. Everybody was awake, yes.

15 Q. Well, everybody was having a  
16 conversation?

17 A. Well, they were quiet when I got  
18 into that room because they were  
19 looking at me like who you are  
20 maybe(sic).

21 Q. Nobody was arguing, no bottles  
22 were being thrown, it was a pretty calm  
23 room; is that fair to say?

24 A. Yes.

25 Q. And just to be clear, nobody was



1 J. KIM

2 passed out on the couch?

3 A. No.

4 Q. And the first room you were in,  
5 was anybody passed out on the couch?

6 A. I don't recall.

7 Q. Do you recall -- CPA Park, was  
8 he passed out?

9 A. I think he was asleep, the first  
10 room. Let's make it "first room" and  
11 "second room" -- first room.

12 Q. Mr. Park was not in the same  
13 room as Mr. Shin?

14 A. Actually, Mr. CPA Park took  
15 Mr. Shin out to that room, too, and I  
16 think after he came back by himself.

17 Q. And he came back by himself and  
18 he stayed in that room?

19 A. Room one, yes.

20 Q. Room one. So he didn't stay in  
21 room two for any long period of time?

22 A. Not for hour and a half, two  
23 hours.

24 Q. And at the time you went to see  
25 Mr. Shin, CPA Park wasn't in there?

1 J. KIM

2 A. Wasn't in there.

3 Q. You helped Mr. Shin off the  
4 couch?

5 A. Yes.

6 Q. Would it be fair to say that  
7 Mr. Shin is not a small guy?

8 A. Well, I can't -- I pretty strong  
9 enough.

10 Q. I didn't ask about your  
11 strength. Mr. Kim, I'm asking about  
12 Mr. Shin, he's not a small guy, right?

13 A. Not a small guy.

14 MR. WEISSLER: How tall was  
15 he?

16 THE WITNESS: Same tall as  
17 I, like 5'10.

18 Q. But heavier? And I say that  
19 coming from another person who's heavy.

20 A. He's heavier.

21 MR. WEISSLER: What did  
22 Mr. Shin weigh approximately?

23 THE WITNESS: I don't know,  
24 like 200 pounds, I don't know.

25 MR. WEISSLER: How much do

1 J. KIM

2 you weigh?

3 THE WITNESS: 165.

4 MR. WEISSLER: How much  
5 heavier is he than you?

6 THE WITNESS: I don't know.

7 MS. NICOLAOU: Are you done?  
8 Thank you.

9 Q. When you helped Mr. Shin off the  
10 couch, did you grab him by both hands?

11 A. I think I just had my both hands  
12 grab his one arm to help him up.

13 Q. When you walked out of the room,  
14 did you maintain support of Mr. Shin?

15 A. From time to time I let him go,  
16 grab him, let him go, grab him.

17 Q. That's because he was --

18 A. He was kind of, yeah --

19 Q. You got to let me finish the  
20 question.

21 A. I'm sorry about that.

22 Q. As much as it sounds like a  
23 conversation, it's not a conversation,  
24 it's a question and answer. Okay?

25 A. Okay.

1 J. KIM

2 Q. So you would assist Mr. Shin  
3 from time to time, and is it because he  
4 was wobbly on his feet, not steady on  
5 his feet?

6 A. That I cannot say. His feet  
7 wasn't really, you know, wobbly but I  
8 was worried. I feel that he was drunk  
9 so I was trying to help him out if he  
10 need it, so I was kind of paying  
11 attention so I can grab him right away,  
12 so I was really focusing on him.

13 Q. When you were focusing on him,  
14 did you observe him to be steady or did  
15 you observe him to be --

16 A. A little bit, yes.

17 Q. His balance being a little bit  
18 off?

19 A. I mean he can -- based on my  
20 recollection and I think he's been --  
21 he's walking himself, you know.

22 Q. Okay. So your recollection was  
23 he was walking in a stable and steady  
24 manner?

25 A. I believe so and I was just

1 J. KIM

2 worried, he looks like he was drunk so  
3 if he needed it, I was going to help  
4 him right away, so I was focusing on  
5 him.

6 Q. Mr. Shin, he's considered your  
7 boss, correct?

8 A. Yes.

9 Q. Meaning he can fire you, hire  
10 you; is that right?

11 MR. COHEN: Object to the  
12 form of the question.

13 Q. He can fire you if he wanted to;  
14 is that correct?

15 A. Not by himself but he needs  
16 reason.

17 Q. But he did have the power to  
18 fire you?

19 A. He can make the decision.

20 Q. How long have you worked at  
21 Noah Bank?

22 A. Now it's approaching the seventh  
23 year.

24 Q. And did you know Mr. Shin before  
25 you started working for Noah Bank?

1 J. KIM

2 A. No.

3 Q. Had you ever gone out with  
4 Mr. Shin before that night?

5 A. Before that night?

6 Q. Yes.

7 A. Yes, not many times but, yes.

8 Q. Have you gone out with Mr. Shin  
9 when alcohol was being served?

10 A. Not this kind of place but, yes,  
11 other places.

12 Q. Have you gone out with Mr. Shin  
13 where he consumed alcohol to the point  
14 where he became intoxicated?

15 A. I don't see much, actually, I  
16 don't know. I don't go out with him  
17 unless it's a company dinner or stuff.

18 Q. If I were to tell you that  
19 there's been testimony that Mr. Shin,  
20 when he drinks -- when he used to  
21 drink, he would always drink to excess,  
22 would that be a fair and accurate  
23 description of Mr. Shin's habits?

24 A. I don't know, that's Mr. Shin's  
25 habits.

1 J. KIM

2 Q. You've never observed Mr. Shin  
3 drink to excess, prior to that night?

4 A. I really -- I don't know.

5 Q. You don't know?

6 A. I don't know.

7 Q. Have you ever been considered a  
8 designated driver or driver for  
9 Mr. Shin?

10 A. No.

11 Q. On prior occasions other than  
12 that night?

13 A. No.

14 Q. Okay. And when you assisted  
15 Mr. Shin off the couch and walked him  
16 out of the room, did Mr. Chung Lee  
17 follow you?

18 A. Yes, we were together.

19 Q. Was Mr. Chung Lee walking or  
20 escorting you and Mr. Shin out?

21 A. We were together actually, yeah.

22 Q. When you arrived to the karaoke  
23 bar, how did you -- I think it's pretty  
24 much agreed to that it's on the upper  
25 level. There was a staircase leading

1 J. KIM

2 to the upper floor; is that right?

3 A. Yes.

4 Q. When you arrived that night, how  
5 did you go to the second floor?

6 A. I think we had to use the  
7 stairway.

8 Q. Use the stairway?

9 A. Yeah.

10 Q. Okay. Are you familiar whether  
11 or not there was an elevator at the  
12 premises?

13 A. I didn't know.

14 Q. Okay. Did Mr. Shin ever say to  
15 you that night before arriving that he  
16 would rather take the elevator?

17 A. No.

18 Q. So would it be fair to say that  
19 when you were leaving that night, your  
20 plan was to go down the stairway that  
21 you went up?

22 A. Yes.

23 Q. And this was your first time at  
24 the premises?

25 A. Yes.



1 J. KIM

2 Q. All right.

3 MS. NICOLAOU: Off the  
4 record.

5 (Whereupon, a discussion was  
6 held off the record.)

7 Q. Okay. Mr. Kim, I'm going to  
8 show you a video that was previously  
9 marked -- electronically marked as  
10 Exhibit 1 on March 14th, 2019. Have  
11 you seen a video of the security  
12 footage capturing the incident  
13 involving Mr. Shin?

14 A. I saw once, yes.

15 Q. How long ago?

16 A. That's about -- that's a pretty  
17 long time ago.

18 Q. Is it your testimony that it was  
19 only you, Mr. Shin, Mr. Young Lee, and  
20 Mr. Chung Lee on that landing?

21 A. I think so, yeah.

22 Q. Okay. We're going to play this.  
23 The video is about two minutes and 22  
24 seconds long(sic) -- two minutes and 23  
25 three seconds long, excuse me. I'm

1 J. KIM

2 going to hit play.

3 Now, can you tell me who's who  
4 in this video?

5 I stopped it at six seconds into  
6 the video.

7 A. Okay. The left one is Chung  
8 Kane Lee.

9 Q. So he's the one closest to the  
10 wall, right?

11 A. Yes, and Mr. Shin.

12 Q. And Mr. Shin -- we're going to  
13 play it again. Now, there's a  
14 gentleman here that's wearing a black  
15 blazer, green shirt, and glasses, do  
16 you see that? It looks like an older  
17 gentleman. I stopped it at 11 seconds  
18 into the video.

19 A. Okay.

20 Q. Do you know who that person is?

21 A. I think it's the guy who I don't  
22 have the name where we stayed together  
23 in the room, room one.

24 Q. Now, he then goes off camera; is  
25 that fair to say?

1 J. KIM

2 A. Right.

3 Q. So you can't really see him. Do  
4 you remember whether he stayed up  
5 against the wall -- let me ask you  
6 this, seeing his face in this video,  
7 does that refresh your recollection  
8 whether he was on the platform at the  
9 time of the accident?

10 A. I don't recall for that.

11 Q. The four of you -- well, there  
12 were five of you, but the group of you  
13 that walked into that door to the  
14 platform, that was a glass door?

15 A. Yes.

16 Q. That led from the karaoke bar to  
17 the platform to the landing where the  
18 staircase is; is that right?

19 A. Yes.

20 Q. Okay. Was there another door  
21 off of that landing other than the one  
22 you used?

23 A. I don't recall.

24 Q. Now, I stopped this video at 13  
25 seconds in, at that point there's a

1 J. KIM

2 gentleman in a green shirt that we  
3 understand to be Young Lee; is that  
4 right?

5 A. Yes.

6 Q. And is that you, sir, with your  
7 arm across his chest?

8 A. Yes.

9 Q. Which appears to be holding him  
10 back?

11 MR. COHEN: Objection to the  
12 form.

13 A. Yes.

14 Q. Are you holding him back?

15 A. I'm trying to, yes.

16 Q. And he grabs -- at that point,  
17 Mr. Lynn grabs Mr. Shin's jacket, I'll  
18 rewind it from 14 seconds into the  
19 video. Okay?

20 A. Okay.

21 MR. WEISSLER: Can you just  
22 stop there for a moment? I'm  
23 sorry, I don't mean to interrupt.

24 Who is the gentlemen to the  
25 left of Mr. Shin?

1 J. KIM

2 THE WITNESS: Chung Kane

3 Lee.

4 Q. We stopped at 15 seconds, did  
5 you observe in this video, Mr. Lee  
6 grabbing Mr. Shin's jacket?

7 MR. COHEN: Object to form.

8 A. Yes.

9 Q. And at that point Mr. Kim, where  
10 is your left hand?

11 A. My left hand is grabbing  
12 Young Lee.

13 Q. Where?

14 A. On his right arm.

15 Q. Okay. We're just playing it  
16 again. Okay.

17 At this point, are you shaking  
18 Mr. Chung Lee's hand? I'm stopping it  
19 at 28 seconds into the video.

20 A. No.

21 Q. Okay. Let me rewind it a little  
22 bit.

23 A. It seems --

24 MR. COHEN: Wait.

25 Q. Again, we stopped it 28 seconds

1 J. KIM

2 into the video. I rewinded it a couple  
3 of seconds before, does it look like  
4 you were shaking his hand?

5 A. No.

6 Q. Okay. All right.

7 Can you tell -- I stopped at 37  
8 seconds into the video -- can you tell  
9 who Mr. Chung Lee -- whose hand he's  
10 shaking?

11 MR. COHEN: Objection to the  
12 form; lack of foundation.

13 Q. Do you see Mr. Chung Lee  
14 shaking someone's hand?

15 A. Yes.

16 Q. Okay. Thank you.

17 Can you tell whose hand he's  
18 shaking?

19 A. Once he makes an objection, do I  
20 have to answer?

21 Q. Unless he tells you not to  
22 answer, you have to answer the  
23 question.

24 A. Okay.

25 Q. Now, it's about 48 seconds into

1 J. KIM

2 the video, do you recall what Mr. Chung  
3 Lee, Mr. Young Lee, and Mr. Shin were  
4 talking about at this point?

5 A. No, I don't recall.

6 Q. Is it your recollection that the  
7 one thing that was discussed was why  
8 are you leaving?

9 A. Yes.

10 Q. And that was being asked by  
11 Mr. Young Lee?

12 A. Yes.

13 Q. I'm stopping it at one minute  
14 and 43 seconds into the video, can you  
15 tell what Mr. Shin's doing here?

16 A. Middle finger.

17 Q. Who is he holding it up to?

18 A. Seems to be to Young Lee.

19 Q. Do you know why?

20 A. I don't know, maybe some sort of  
21 disagreement with each other, I don't  
22 know.

23 Q. Do you remember what happened  
24 that resulted Mr. Shin to raise his  
25 middle finger?

1 J. KIM

2 A. I don't recall.

3 Q. I don't remember if I said it,  
4 that's one minute and 43 seconds into  
5 the video.

6 One minute and 50 seconds into  
7 the video. At this point is Mr. Shin  
8 -- is he holding up his middle finger?

9 A. Yes.

10 Q. And what's Mr. Chung Lee doing  
11 at this point? And I moved it to one  
12 minute and 51 seconds.

13 A. He's holding Young Lee's face.

14 Q. With both hands, correct?

15 A. With both hands, seems like it,  
16 yes.

17 Q. Do you recall that being done  
18 that night?

19 A. It was, you know, messy  
20 situation, I see it in the video.

21 Q. Does this refresh your  
22 recollection if you observed Mr. Chung  
23 Lee put his hands on Mr. Young Lee's  
24 face?

25 A. Yeah.



1 J. KIM

2 Q. Do you know why?

3 A. I don't know, they are talking  
4 to each other.

5 Q. Do you know what language they  
6 were talking in?

7 A. Korean.

8 Q. And you understood them?

9 A. I didn't really pay attention to  
10 their conversation at the time.

11 Q. Was your main concern Mr. Shin?

12 A. That is true, yes.

13 Q. And -- was it your goal to get  
14 Mr. Shin out of that building?

15 A. Yes.

16 Q. One minute and 56 seconds into  
17 the video. Mr. Shin is still holding  
18 up his middle finger, correct?

19 A. Yes.

20 Q. And you're standing there,  
21 basically, kind of but not really  
22 between Mr. Chung Lee and Mr. Shin; is  
23 that right?

24 A. I'm on the left side of Chung  
25 Lee.

1 J. KIM

2 Q. On the --

3 A. So we are in -- Chung Lee and  
4 myself are in between Mr. Shin and  
5 Young Lee.

6 Q. Just because you mentioned left  
7 side, when you say the "left side,"  
8 what perspective are you looking at?  
9 Can you describe it from the camera's  
10 perspective?

11 A. Camera's perspective?

12 Q. You're on the right side of  
13 Mr. Shin?

14 A. Yes.

15 Q. We're looking at the scene one  
16 minute and 57 seconds into the video.  
17 Mr. Shin's standing, can you describe  
18 to me, sir, how he's standing?

19 MR. COHEN: Objection to the  
20 form.

21 Q. Is Mr. Shin in this video  
22 leaning up against the wall? And if  
23 you want me to rewind that, I can do  
24 that.

25 Just rewinded 24 seconds into

1 J. KIM

2 the video. Can you tell if Mr. Shin is  
3 standing up against the wall in this  
4 video?

5 A. Yes.

6 Q. Would it be fair to say that in  
7 the one minute and 54 seconds into the  
8 video. Mr. Shin is still leaning up  
9 against the wall?

10 A. Looks like it.

11 Q. Okay. And this is now two  
12 minutes and two seconds into the video,  
13 can you tell me what you see in this  
14 video at this point?

15 MR. COHEN: Object to the  
16 form of the question.

17 A. Chung Lee is putting  
18 Mr. Young Lee onto the wall from the  
19 opposite side of Mr. Shin and holding  
20 Young Lee's face, right side of face.

21 Q. Do you recall what was going on  
22 at this point, what was being said,  
23 what was being discussed?

24 A. They were talking and, you know,  
25 I wasn't really concentrating on what

1 J. KIM

2 they were talking about.

3 Q. And is Mr. Shin at this two  
4 minute and two seconds into the video,  
5 is he still holding up his middle  
6 finger?

7 A. Yes.

8 Q. And at two minutes and 13  
9 seconds, at this point Mr. Shin is  
10 still holding up his middle finger,  
11 correct?

12 A. Yes.

13 Q. And Mr. Young Lee, what is he  
14 doing in this video?

15 A. He's doing the middle finger, he  
16 pulled out the middle finger.

17 Q. In this video, is it fair to say  
18 that you at that point try to push his  
19 hand down?

20 A. Yes.

21 Q. Mr. Young Lee's hand?

22 A. Yes.

23 Q. And at that point, sir, what is  
24 going on? Wait let me just stop it.

25 At two minutes and 16 seconds into the

1 J. KIM

2 video, what are you doing at this point  
3 in the video?

4 MR. COHEN: Object to the  
5 form of the question.

6 A. I'm trying to push him away from  
7 Mr. Shin at that point.

8 Q. All right.

9 In the entire time that  
10 you're -- you and Mr. Young Lee,  
11 Mr. Chung Lee, and Mr. Shin were  
12 standing on that platform and Mr. Shin  
13 had his middle finger up, did you at  
14 any time try to put Mr. Shin's hand  
15 down to try to control the situation --  
16 in attempt to control the situation?

17 MR. COHEN: Object to the  
18 form of the question.

19 A. Yeah, I wasn't really focusing  
20 on Young Lee at that point and as you  
21 see, I didn't recognize Mr. Shin's  
22 finger up.

23 Q. You testified earlier in your --

24 A. I saw the video.

25 Q. You testified earlier that

1 J. KIM

2 Mr. Shin did raise his middle finger,  
3 would it be fair to say during this  
4 entire incident on that night you  
5 observed Mr. Shin put up his finger?

6 A. Yes.

7 Q. And at that time you observed  
8 him put up his middle finger, did you  
9 do anything to stop it?

10 A. No.

11 Q. I'm going to ask you to pay very  
12 close attention because things start  
13 moving quickly, okay. So we're going  
14 to start at two minutes and 15 seconds  
15 into the video so there's eight seconds  
16 left. Okay?

17 A. Okay.

18 Q. Can you tell from this video  
19 whether Mr. Shin was kicked by  
20 Mr. Young Lee?

21 A. Yes.

22 Q. Okay. You can see it in the  
23 video?

24 A. Yes.

25 MR. WEISSLER: Counsel, can

1 J. KIM

2 you just go back to the 2 minutes  
3 and 15 -- to the 00:2:20, please?

4 MS. NICOLAOU: One second,  
5 I'll go back as many times as you  
6 want.

7 Q. Okay. Two minutes and 17  
8 seconds into the video. At this point,  
9 sir, is it fair to say that Mr. Shin  
10 was in the process of falling down the  
11 stairs?

12 A. Yes.

13 Q. Is his middle finger still up in  
14 this video clip?

15 A. Is that middle finger? It seems  
16 unclear to me but.

17 Q. As he falls down the stairs,  
18 sir, is it fair to say that his arms  
19 are out stretched in front of him?

20 MR. COHEN: Object to the  
21 form of the question.

22 A. Yes.

23 Q. Okay.

24 MS. NICOLAOU: Where do you  
25 want to go again, do you want to

1 J. KIM

2 come around and look closer or  
3 you can just take my computer?  
4 Off the record.

5 (Whereupon, a discussion was  
6 held off the record.)

7 Q. Mr. Kim, now that I figured out  
8 how to move the bar that controls the  
9 controls of the video away from the  
10 bottom of the video, we're going to do  
11 this again, okay.

12 So we are going to start it at  
13 two minutes and 14 seconds into the  
14 video, okay, with nine seconds left.  
15 Ready?

16 A. Yes.

17 Q. Take a very close look and hit  
18 the space bar when you're ready.

19 A. Okay.

20 Q. Okay. Now that I moved the  
21 control bar from the bottom of the  
22 screen to the top of the screen, can  
23 you, in this video, see Mr. Young Lee  
24 kick Mr. Shin?

25 A. Yes.



1 J. KIM

2 Q. And it was because Mr. Young Lee  
3 kicked Mr. Shin that Mr. Shin fell down  
4 the stairs; is that correct?

5 MR. WEISSLER: Just note my  
6 objection.

7 Q. All right. I have no further  
8 questions for now.

9 EXAMINATION

10 BY MR. WEISSLER:

11 Q. Good afternoon, Mr. Kim. My  
12 name is Steven Weissler. I'm an  
13 attorney with the law office of Longo  
14 D'Apice, and we are the attorneys for  
15 the Defendant, Young K. Lee.

16 I'm going to be asking you some  
17 questions about the incident at the  
18 karaoke club. If you don't understand  
19 any of my questions, please tell me and  
20 I'll be glad to rephrase the question.  
21 And if I'm not speaking loud enough,  
22 please tell me and I'll be glad to  
23 repeat the question or we can have the  
24 young lady, Ms. Reporter, repeat the  
25 question.

1 J. KIM

2 Do you understand everything I  
3 said so far?

4 A. Yes.

5 Q. What is your date of birth?

6 A. XX-XX-1980.

7 Q. Where were you born?

8 A. South Korea.

9 Q. When did you first come to the  
10 United States?

11 A. 1994, 1993. It has to be exact  
12 date and year?

13 Q. Approximately.

14 A. Probably somewhere around there.

15 Q. Are you a United States citizen?

16 A. Yes.

17 Q. And when did you become a  
18 citizen?

19 A. December of 2017.

20 Q. And when for the first time did  
21 you learn that the individual in that  
22 video with the green shirt had the name  
23 Young K. Lee?

24 A. I don't recall.

25 Q. Was it some time after --

1 J. KIM

2 A. After the incident, definitely.

3 Q. I believe you mentioned earlier  
4 -- and I'm not going to try to repeat  
5 what's been said earlier -- that for  
6 approximately an hour and a half you  
7 remained in the room with Chung Lee and  
8 the CPA Park; is that right?

9 A. Yes.

10 Q. Okay. And then when you went to  
11 the second room at approximately --  
12 what time was that?

13 A. Probably one -- 1:00 a.m.

14 Q. And I believe you said that was  
15 for the purpose to tell Mr. Shin that  
16 you wanted to leave; is that right?

17 A. Yes.

18 Q. Okay. And when you went to that  
19 room, did you see Mr. Shin sitting at a  
20 table?

21 MS. BERKOWITZ: Objection to  
22 the form.

23 A. Couch.

24 Q. He was sitting on a couch?

25 A. Yes.

1 J. KIM

2 Q. And on that same couch was the  
3 person who you later came to be known  
4 as Young K. Lee?

5 A. Not the same couch.

6 Q. Okay. Was Mr. Young Lee on  
7 another couch?

8 A. Another couch.

9 Q. Okay. I believe you mentioned  
10 there was a third man there; is that  
11 right?

12 A. Yes.

13 Q. Did you ever come to learn the  
14 identity of the third person?

15 A. No.

16 Q. Was that third person on the  
17 same couch with Mr. Shin?

18 A. No.

19 Q. Was that third person on the  
20 same couch with Young Lee?

21 A. I think so, I don't clearly  
22 recall whether they sit together or  
23 not.

24 Q. And in looking at that video,  
25 did you see the -- that third man in

1 J. KIM

2 any portion of the video?

3 A. "Third man" means?

4 Q. The one whose name you didn't  
5 know when you went into the room?

6 A. I believe so, yes.

7 Q. Okay. Was that the individual  
8 who was at the beginning of the video  
9 that you were just shown?

10 A. Yeah.

11 Q. Okay. When you went to get  
12 Mr. Shin in the second room, how long  
13 did you remain in that room?

14 MR. COHEN: Object to the  
15 form of the question.

16 A. Me?

17 Q. Yeah. When you went to go get  
18 him and tell him you wanted to leave,  
19 how long did you remain in the room  
20 before you started assisting Mr. Shin  
21 out of the room?

22 A. 10 seconds.

23 Q. At approximately what time were  
24 you on the landing with Mr. Shin when  
25 he was giving the finger to Young Lee?

1 J. KIM

2 A. Time?

3 Q. Yes.

4 A. Probably around one -- between  
5 one or 1:30.

6 Q. I believe you mentioned earlier  
7 and correct me if I'm wrong, you went  
8 into that second room at about 1:00  
9 a.m.; is that right?

10 A. Yes.

11 Q. Can you tell me anything that  
12 you did between 1:00 a.m. and 1:30  
13 a.m.?

14 A. I take Mr. Shin out from the  
15 room and then we walked through the  
16 hallway where we got into the incident  
17 and we were on the platform right in  
18 front of the stairway and they were  
19 talking and the incident happened.

20 Q. So they were talking on the  
21 landing for about a half an hour?

22 A. I said between -- I don't recall  
23 exactly the time.

24 Q. I believe you mentioned earlier  
25 that there are at present five

1 J. KIM

2 employees of the bank; is that right?

3 MR. COHEN: Object to the  
4 form of the question.

5 Q. How many employees are there for  
6 the NOA(sic) bank?

7 MR. COHEN: Noah Bank.

8 A. Our bank?

9 Q. Yes.

10 A. Which place are you talking  
11 about?

12 Q. On the day before the incident,  
13 that would be Friday, April 21st, were  
14 you with Mr. Shin that day?

15 A. Yes.

16 Q. Okay. And he was the Chief  
17 Executive Officer of the Noah Bank at  
18 that time?

19 A. Yes.

20 Q. And you were at a particular  
21 location in Fort Lee, New Jersey; is  
22 that right?

23 A. Yes. Wasn't Fort Lee, it was  
24 Palisade Park, I believe,  
25 Bergen Boulevard.

1 J. KIM

2 Q. Okay. Is that where the  
3 Noah Bank is?

4 A. No, our office in Fort Lee, I  
5 thought we were talking about the  
6 restaurant we had dinner.

7 Q. Let's go back to the office.

8 A. Yes.

9 Q. Is that the office of Noah Bank?

10 A. Yes.

11 Q. Is that where you went to work  
12 every day?

13 A. Yes.

14 Q. Who else worked at that  
15 particular bank as of April 21st, 2017?

16 MR. COHEN: Object to the  
17 form of the question.

18 A. Who else working at Noah Bank?

19 Q. Yes, how many employees were  
20 there?

21 A. 40 or 45.

22 Q. Okay. Do you remember telling  
23 us earlier that there were five people  
24 at the bank; is that something I heard  
25 wrong?



1 J. KIM

2 A. No, I didn't mention about five  
3 people. We had a dinner at New Jersey  
4 and myself and Mr. Shin and some other  
5 employees were together to have a  
6 dinner.

7 Q. Who were the three others that  
8 had the dinner, and that was the dinner  
9 in Palisade Park?

10 A. Yes.

11 Q. Who would be the other three?

12 A. You mean their names?

13 Q. Yes.

14 A. Dong Pil Joo, D-O-N-G, P-I-L,  
15 J-O-O, and Young Hoon, Y-O-U-N-G,  
16 H-O-O-N, and Gim, G-I-M, and Eric Shin,  
17 E-R-I-C, S-H-I-N.

18 Q. And were they all employees of  
19 the branch in Fort Lee?

20 A. Noah Bank, yes.

21 Q. What time did you arrive at that  
22 restaurant?

23 A. Around seven, 7:30.

24 Q. And how long did you remain at  
25 that restaurant?

1 J. KIM

2 A. A couple of hours.

3 Q. The bill that you've been shown  
4 for \$1,500 hundred dollars (pointing)

5 --

6 MS. NICOLAOU: Not that one,  
7 you're pointing to the wrong one.

8 MS. BERKOWITZ: (Hanging.)

9 MS. NICOLAOU: Exhibit C  
10 marked on February 1st, 2019.

11 MR. WEISSLER: Okay. Can I  
12 see the other one, please?

13 MS. NICOLAOU: Which bill  
14 are you looking for?

15 MR. WEISSLER: Off the  
16 record.

17 (Whereupon, a discussion was  
18 held off the record.)

19 Q. For purposes of the record, I'm  
20 going to show you what's been  
21 previously marked as Defendant's  
22 Exhibit C from February 1st, 2019, and  
23 it appears to be at the bottom circled  
24 \$1,500 cash, okay. Do you know if this  
25 is a bill from the room where you

1 J. KIM

2 stayed with CPA Park and Chung Lee?

3 MR. COHEN: Objection to the  
4 form.

5 A. I never seen these invoices  
6 before so I don't know.

7 Q. Okay. Now, I'm going to show  
8 you what's been previously marked as  
9 Exhibit B from February 1st, 2019, and  
10 it appears to have a dollar amount of  
11 \$500, do you know which room this bill  
12 was for or if it's the bill for the  
13 room in which you and Chung Lee and  
14 CPA Park were -- stayed for that hour  
15 and a half?

16 A. I don't know, this was the first  
17 time I seen it.

18 MS. BERKOWITZ: Do you know  
19 who paid either of those bills?

20 THE WITNESS: No.

21 Q. During that hour and a half that  
22 you -- that Mr. Shin went to the other  
23 room, were there any women in the room  
24 where you were with Mr. Chung Lee and  
25 CPA Park?

1 J. KIM

2 A. Yes.

3 Q. Okay. And what were the women  
4 doing?

5 A. Service -- servicing.

6 Q. Okay. Were they giving any  
7 massages?

8 A. No.

9 Q. Were they giving any lap dances?

10 A. No.

11 Q. Okay. When you went into the  
12 second room to get Mr. Shin to tell him  
13 you wanted to leave, were there any  
14 women in that room?

15 A. I think one lady was there.

16 Q. Did you see that lady giving  
17 anybody a massage?

18 A. No.

19 Q. Did you see that lady giving  
20 anybody a lap dance?

21 A. No.

22 Q. Okay. Was there an elevator in  
23 the building?

24 A. I don't know.

25 Q. And as you were standing at the

1 J. KIM

2 landing before Mr. Shin fell down the  
3 stairway, how would you describe the  
4 artificial lighting on the landing?

5 A. Light?

6 Q. The lights -- artificial  
7 lighting?

8 A. Light like that?

9 Q. Yes, any sort of lights? Was it  
10 dark, light, good lighting, any way you  
11 wish to describe it?

12 A. It was dark.

13 Q. Was there artificial lighting?

14 A. Yes.

15 Q. Where were the lights located?

16 A. Ceiling and the side.

17 Q. And from looking at that video,  
18 did you have any problem seeing what  
19 was on the video?

20 A. No.

21 Q. Did the video appear dark to you  
22 or light to you or something else?

23 MR. COHEN: Object to the  
24 form of the question.

25 A. I don't see any issue to figure

1 J. KIM

2 out what's happening from the video.

3 Q. And were there any handrails on  
4 the stairway?

5 A. I don't recall that.

6 Q. The person who you identified as  
7 Young K. Lee, did you ever see Young K.  
8 Lee prior to the incident at the  
9 karaoke club?

10 A. No.

11 Q. Did anyone introduce you to  
12 Mr. Young K. Lee at any time from the  
13 time that you arrived at the karaoke  
14 club until the time of the incident?

15 A. No.

16 Q. Do you know what type of work  
17 Young K. Lee does or was doing as of  
18 April 22nd, 2017?

19 A. I heard his business -- he's a  
20 deli business owner.

21 Q. Did Young K. Lee do any business  
22 with the Noah Bank?

23 A. No.

24 Q. Who was it that brought Mr. Shin  
25 into that second room?

1 J. KIM

2 A. CPA Park.

3 Q. Did CPA Park ever tell you that  
4 he brought Mr. Shin into the next room  
5 to meet Mr. Young K. Lee?

6 A. No.

7 Q. At any time prior to the night  
8 of the incident until coming here  
9 today, did anyone ever tell you that  
10 CPA Park brought Mr. Shin into the  
11 second room to meet Young K. Lee?

12 A. No.

13 Q. I have nothing further.

14 Thank you.

15 EXAMINATION

16 BY MS. BERKOWITZ:

17 Q. You testified that you believe  
18 these people that you saw were  
19 employees of the karaoke bar?

20 A. Yes.

21 Q. What is the basis for that  
22 belief; like, why do you think they  
23 were employees?

24 A. That's what we call the "room  
25 salon business," they provide drinks

1 J. KIM

2 usually those type of business where  
3 the lady do the service for(sic) --

4 Q. How do you know they weren't  
5 just other customers?

6 A. That place -- I don't know  
7 actually. I had service lady in my  
8 room, too, so.

9 Q. I'm just asking you, how do you  
10 know that they weren't just other  
11 customers?

12 A. How do I know?

13 Q. Yeah, rather than employees?

14 A. There shouldn't be a lady  
15 customer.

16 Q. There was not a lady customer?

17 A. It's a room salon for men.

18 Q. So the ladies -- the females  
19 that you believe were employees, they  
20 just bring in the bottles and put them  
21 on the table?

22 A. They just walk in the waiter  
23 brings the drink into the room.

24 Q. What dose the female do; they  
25 just walk?



1 J. KIM

2 MR. COHEN: Object to form.

3 A. They just walk in by themselves  
4 with some owner or whatever.

5 MS. NICOLAOU: Like what?

6 Q. The owner?

7 A. Like head of lady, I don't  
8 know(sic). I don't know how to call  
9 but -- like director, let's say,  
10 whoever controlled the ladies within  
11 the business, I believe. I don't know,  
12 they walked in.

13 Q. And did what?

14 A. And sitting next to where we  
15 were sitting.

16 Q. They were just sitting there?

17 A. Yeah, they were sitting and then  
18 they do assistant -- assist for us to  
19 drink, so they pour the drinks into the  
20 cup, and, you know, service for the  
21 food; just like assist, support,  
22 service.

23 Q. Okay. So how do you know  
24 that -- do you know -- so they were in  
25 your room -- they were in your room?

1 J. KIM

2 A. Yes, mhmm.

3 Q. Did you see any females in the  
4 Young Lee room?

5 A. There was one lady in that room  
6 when I got into that room, yes.

7 Q. This is very -- don't guess at  
8 anything, I want to know if you saw  
9 that female pour any drinks for  
10 Young Lee?

11 A. Not pour any drinks she just was  
12 sitting there.

13 Q. Okay. Did you see the female  
14 pour a drink for Young Lee?

15 A. No.

16 Q. Okay. Thank you.

17 MS. NICOLAOU: I'm done.

18 (Time noted: 12:52 p.m.)

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INSTRUCTIONS TO WITNESS

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Please read your deposition over carefully and make any necessary corrections. You should state the reason in the appropriate space on the errata sheet for any corrections that are made.

After doing so, please sign the errata sheet and date it.

You are signing same subject to the changes you have noted on the errata sheet, which will be attached to your deposition.

It is imperative that you return the original errata sheet to the deposing attorney within thirty (30) days of receipt of the deposition transcript by you. If you fail to do so, the deposition transcript may be deemed to be accurate and may be used in court.

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COUNTY OF \_\_\_\_\_)

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I, JOHN KIM, hereby certify that I have

7

read the transcript of my testimony taken

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under oath on May 21, 2019, that the

9

transcript is a true, complete and correct

10

record of what was asked, answered and said

11

during my testimony under oath, and that the

12

answers on the record as given by me are true

13

and correct, except for the corrections or

14

changes in form or substance, if any, noted in

15

the attached Errata Sheet.

16

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18

JOHN KIM

19

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Signed and subscribed to

21

before me, this \_\_\_\_\_ day

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of \_\_\_\_\_, \_\_\_\_\_.

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Notary Public

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C E R T I F I C A T E

I, CHRISTA M. MILOSCIA, a shorthand  
reporter and Notary Public within and for the  
State of New York, do hereby certify:

That the Witness(es) whose testimony is  
hereinbefore set forth was duly sworn by me,  
and the foregoing transcript is a true record  
of the testimony given by such Witness(es).

I further certify that I am not related to  
any of the parties to this action by blood or  
marriage, and that I am in no way interested  
in the outcome of this matter.



*Christa Miloscia*

Christa M. Miloscia, a Court  
Reporter and Notary Public  
Date:

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